

HOUSE BILL 2863

By Brooks H

AN ACT to amend Tennessee Code Annotated, Title 62,
relative to delivery of certain publications.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 62, is amended by adding Sections 2 through 7 of this act as new chapter 17 thereto.

SECTION 2. As used in this chapter, unless the context otherwise requires:

(1) "Deliver" means to deliver, distribute, deposit, throw, cast or place, or cause or permit to be delivered, distributed, deposited, thrown, cast or placed, a publication, directly or indirectly by contractor, agent, employee or otherwise, but shall not include delivery by the United States postal service, delivery by handing or transmitting directly to the owner or occupant then present on the property, or delivery by placing within a receptacle or container expressly maintained by the owner or occupant of property for the receipt of newspaper deliveries;

(2) "Distributor" means an entity who engages in the business of circulating or delivering newspapers;

(3) "Publication" means any printed material issued monthly or more frequently, whether printed in broadsheet, tabloid or other sheet or booklet form, and shall include a newspaper of general circulation, any collection of advertising or solicitations appended together in booklet or magazine form, and any newspaper distributed without cost to or subscription by the recipient;

(4) "Publisher" means a person who engages in the business of printing and issuing for circulation, or causing to be printed and issued for circulation, a publication; and

(5) "Unsolicited publication" means a publication to which no owner or occupant of the premises to which it is delivered currently subscribes or has requested or the owner or occupant of the premises has requested suspension or termination of delivery of such publication.

SECTION 3.

(a) No publisher shall deliver or cause to be delivered an unsolicited publication after receiving notice from a person that unsolicited publications are not wanted.

(b) Each unsolicited publication shall provide a phone number and an email address where recipients can contact the publisher to put their name or address on a database of persons who object to receiving unsolicited publications.

(c) Publishers shall place publications in proximity to the entrances of the units to which the distributor intends delivery and not on the perimeter of such properties.

SECTION 4. An owner or occupant who subscribes to a publication shall communicate with the publisher of such publication to suspend or terminate delivery of publication at least twenty-four (24) hours before such publication is scheduled to be delivered.

SECTION 5. If an unsolicited publication is delivered to an address that is on the unsolicited publication database of the publisher, the distributor of the publication shall remove such publication within twenty-four (24) hours following notice and demand by the owner or occupant of the premises.

SECTION 6. It shall be a defense in any action or proceeding brought under this chapter that the defendant has established and implemented, with due care, reasonable practices and procedures to effectively prevent delivery of unsolicited publications in violation of this chapter.

SECTION 7. A violation of this chapter is a Class C misdemeanor punishable by a fine only. Each violation shall be deemed a separate offense.

SECTION 8. This act shall take effect July 1, 2012, the public welfare requiring it.